

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:08-CR-34-FL-1

UNITED STATES OF AMERICA

v.

PERRY REESE, III,,


Defendant.

)
)
)
)
)
)
)

ORDER

This matter is before the court on defendant's motion for post-conviction relief (DE 159), along with notice and affidavit of default and affidavit filed August 28, and September 26, 2018. Upon careful review of defendant's motion and subsequent papers filed, the court has determined that the motion and subsequent papers must be recharacterized as second and successive petitions attacking his conviction and sentence under 28 U.S.C. § 2255. See United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir. 2003). Therefore, the court DISMISSES defendant's motion and subsequent papers so recharacterized for lack of jurisdiction. See id.; United States v. McRae, 793 F.3d 392, 400 (4th Cir. 2015). In the event defendant wishes to proceed with such claims, 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application may be filed in the district court, the applicant must move the appropriate court of appeals for an order authorizing the district court to consider the application.

SO ORDERED, this the 3rd day of October, 2018.



LOUISE W. FLANAGAN
United States District Judge